

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Khammam District aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA.No.7 of 2008 dated 21.06.2008 - Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 44

Dated: 12-10-2018

Read the following:-

- 1) Revision Petition filed by Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Khammam District, 29.09.2008.
- 2) Hon'ble High Court order dated 30-09-2008 in W.P.No. 21777 of 2008 filed by Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Erstwhile Khammam District
- 3) Govt.Lr.No.9665/TW.LTR.2/2008, dt.05-12-2008.
- 4) From Additional Agent to Government, Bhadrachalam, Khammam, RP.No.9665/LTR-2/08 (CMA No.7/2008) , Dt 18-03-2009.

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ORDER

In the reference 1st read above, Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Khammam District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA.No.7 of 2008 dated 21.06.2008 in respect of land to an extent of Acres 0.08 cents in Survey No.20 of Bhadrachalam Village & Mandal.

2. In the reference 2nd cited, the Hon'ble High Court has issued status quo orders existing as on the day with regard to the possession of the land in dispute pending the revision or till the disposal of the stay application filed by the petitioner vide order dated 30-09-2008 in W.P.No. 21777 of 2008 filed by Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Erstwhile Khammam District .

3. In the reference 3rd read above, while sending a copy of the Revision Petition the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 4th read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

4. The Main grounds of the case are as follows:

- It is the settled principle of law by the Full Bench of the Honourable High Court of Andhra Pradesh which is reported in AIR 1982 AP-Page-1, the authorities constituted under A.P (Scheduled Areas) Land Transfer Regulations 1 of 1959 or its amendment 1 of 1970, have no power and jurisdiction to decide the validity or otherwise of the transactions taken place prior to 3-2-1970 and the said authority suffers from want of jurisdiction, if the authorities initiates the Land Transfer Regulation case in respect of such transactions. In the instant case, the Appellant purchased the land of 0.08 cents situated in Sy.No.20, situated at Bhadrachalam Village and Mandal under registered sale deed dated 31-7-1967 for valid consideration.
- In the instant case, since the transfer has taken place prior to 3-2-1970 under a registered sale deed, the question of initiating proceedings and passing such orders are to be declared as without having any power and jurisdiction and ultravires and accordingly, the entire order are void abinitio.
- The findings given by the Additional Agent to Government, Bhadrachalam, that the Appellant has not filed any piece of evidence to show his title is contrary to the record and also the orders of the primary authority, since the Special Deputy Collector, declared categorically stated that the said property was purchased by registered sale deed dated 31-7-1968 and Judgement and Decree was passed in O.S.No.456 of 1986 was placed before the lower court for showing possession over the property.

[p.t.o]

- When the unofficial respondents before both the authorities stated that they are nothing to do with the property, they have not purchased the property and on what basis, the primary authority and as well as the Appellate authority declared that the unofficial respondents purchased the said property is unknown to law. In the absence of any positive evidence in this regard, the question of treating the said transaction is taken place after 3-2-1970 is perverse and illegal.

5. The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:

- Originally basing on the report of Mandal Revenue Officer. The Land Transfer Regulation case No.6/06 was initiated between the State rep. by the Mandal Revenue Officer, Bhadrachalam as petitioner and P.Satya Narayana and (3) others are as respondents. After due enquiry the Agency Divisional Officer, Bhadrachalam herein passed ejectment orders. Against the said order CMA No.7/08 was filed before the Additional Agent to Government & Project Officer by the Revision Petitioner herein and the same was dismissed. The case of the Mandal Revenue Officer is that the schedule land was purchased by Sri Pothuguntla Satyanarayana S/o (Late) Veeraiah, & Sri Tavidi Setty Rajeswara Rao herein from Smt.R.Laxmi Kanthamma. It is submitted that the burden lies on the Non-Tribals to prove that their possession is not hit by Land Transfer Regulation.
- The (3rd & 4th respondents) Sri Pothuguntla Satyanarayana S/o (Late) Veeraiah, & Sri Tavidi Setty Rajeswara Rao herein came in to possession of the schedule land. The appellant herein who sold the schedule land to Sri Pothuguntla Satyanarayana S/o (Late) Veeraiah, & Sri Tavidi Setty Rajeswara Rao trying to protect them from the Land Transfer Regulation. Both the lower courts rightly commented and passed orders.
- The Mandal Revenue Officer, Bhadrachalam in his report dt 27-05-2006 clearly stated that 3 & 4 respondent herein purchased the land and he came to know by way of enquiry. As per the report of Mandal Revenue Officer a house bearing No.8-01-128 a new house is Coming up and it was purchased by Sri Pothuguntla Satyanarayana S/o(Late) Veeraiah, & Sri Tavidi Setty Rajeswara Rao. The Mandal Revenue Officer is a responsible officer and in his enquiry clearly revealed that the transaction took place contrary to the Land Transfer Regulation. There is no necessity for the Mandal Revenue Officer to give a false report with regard to the schedule property.
- Originally the Revision petitioner herein is not a party before the Agency Divisional Officer, Bhadrachalam and he himself added as 4th respondent i.e Sri Tavidi Setty Rajeswara Rao before the Agency Divisional Officer to protect the interest of the purchasers. The burden lies on the Non-Tribals to prove that no contravention has taken place with regard to immovable property. Because the registrations are prohibited, as the transaction took place on sada sale and the said document will be kept with the purchaser.
- The Revision petitioner has failed to prove his title on the suit scheduled land in both the lower courts. Accordingly the Agency Divisional Officer, Bhadrachalam & Additional Agent to Government, Bhadrachalam have passed ejectment orders directing the Tahsildar Bhadrachalam to take the suit land in to Govt. custody and assign the suit land to the eligible poor tribals as per the Regulation.
- In the lower court order the Agency Divisional Officer, Bhadrachalam as well as Additional Agent to Government, Bhadrachalam have clearly discussed about the suit land on the basis of the report of the Tahsildar, Bhadrachalam that "it is a house br.No.8-1-128(part) having 335 Sq.yards" As such it is not correct as stated by the Revision petitioner.

- In view of the above that the orders passed by the Agency Divisional Officer, Bhadrachalam and Additional Agent to Government, Bhadrachalam herein are proper and legally correct according to the provision of AP Scheduled Area Land Transfer Regulations 1/59 as amended by 1/70.

6. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petitioner claims that his grand-father has purchased the land in 1967 through a Regd. Sale deed and he has inherited the same from his father as successor. But as per the report of Mandal Revenue Officer, Bhadrachalam the Revision Petitioner is not possession of the scheduled property which is a house site. As per the physical verification by the Revenue authorities Sri Pothugantla Satyanarayana and Sri Thavidisetty Rajeswar Rao are in possession of the house site.

7. Government after careful examination of the matter hereby rejects the Revision Petition of Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy R/o Bhadrachalam (V&M), Khammam District and upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in CMA.No.7 of 2008 dated 21.06.2008 in respect of land to an extent of Acres 0.08 cents in Survey No.20 of Bhadrachalam Village & Mandal.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 4th read above are returned herewith to the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Sri Vedula Sudhakar Reddy S/o Sri Ram Murthy
R/o Bhadrachalam (V&M), Khammam District.

Sri Pothuguntla Satyanarayana
S/o (Late) Veeraiah, Agriculturist,
R/o 17-1-23, Bhagwandas Colony, Bhadrachalam, Khammam District

Sri Tavidy Setty Rajeswara Rao
S/o Venkateswarlu, Occ: Kirana Business,
Market Road, Bhadrachalam, Khammam District.

The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Government Pleader for Social Welfare, High Court Buildings, Hyderabad.

The Special Deputy Collector(TW), Bhadrachalam, Khammam District.
for information and necessary action.

The Tahsildar, Bhadrachalam, Bhadradi Kothagudem District.

Sri P.V.Ramana and K.Sarath, Advocates
Flat No.1, Banjara Sangeet Apts., Kapadia Lane,
Somajiguda, Hyderabad - 500 082.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER